IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 17252 of 2002

Between:

1. Karatam Ramesh, S/o K. Ramachandra Rao,
r/o Buttaigudem, West Godavari District.

2. Karatam Prabhakar Rao, S/o K. Ramachandra Rao,
r/o Buttaigudem, West Godavari District.

..... PETITIONERS

AND

1. The Special Deputy Collector (TW),
K.R.Puram, West Godavari District.

2. The Special Deputy Tahsildar (TW),
K.R.Puram, West Godavari District.

3. The Mandal Revenue Officer,
Buttaigudem Mandal, West Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the

circumstances stated in the Affidavit filed herein the High Court will be pleased to issue order, direction, writ, more particularly one in the nature of writ of Mandamus declare the proceedings in S.R.No.2058/2000 dated 04-05-2001 of the Special Deputy Collector (T.W) K. R. Puram, West Godavari district is illegal, arbitrary and violation of principles of natural justice and contrary to the provisions of A.P.S.A.L.T. Regulations 1/95 as amended by 1/70 and quash the same.

Counsel for the Petitioners: MR. P. R .K. AMERANDRA KUMAR

Counsel for the Respondents: GP FOR SOCIAL WELFARE

The Court made the following:

ORDER:

Heard both sides.

2. The petitioner herein filed this writ petition *inter alia* seeking a Writ of Mandamus challenging the impugned orders dated 04-05-2001 ordering eviction in respect of the land cultivated by him as illegal and void.

3. The main submission made on behalf of the petitioner herein is that in the proceedings initiated earlier, the second respondent herein has already passed an order in S.R.No.75 of 1979 dated 29-08-1980 and the said order, having not been challenged by any proceedings, has become final and, therefore, the respondent could not have been initiated fresh proceedings. In support of his contention, the learned Counsel appearing for the petitioners placed reliance on the decision of a Division Bench of this Court in W.A.No.1584 of 1998 dated 25-12-2000.

4. Having considered the submissions made and also having regard to the fact that there is no serious dispute with regard to the earlier orders passed in his favour on 29-08-1980 and especially in view of the principles laid down by the Division Bench of this Court in the aforesaid case, there is no other go except to hold that the petitioner is entitled to continue in possession and the impugned action only under the teeth of the said orders.

5. Following the same, the writ petition is allowed. No costs.

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B.PRAKASH RAO, J

Dt.10-09-2004

Glv/Drk

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this

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Friday, day the Tenth day of September, Two thousand and four.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

Copies to

1. The Special Deputy Collector (TW),
K.R.Puram, West Godavari District.

2. The Special Deputy Tahsildar (TW),
K.R.Puram, West Godavari District.

3. The Mandal Revenue Officer,
Buttaigudem Mandal, West Godavari District.

4. Two C Cs to the Government Pleader for Social Welfare, High Court Buildings, Hyderabad. (O.U.T

5. Two C D copies.